

APR 03 2023

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Nathan Ochsner, Clerk of Court

§

CHAPTER II**IN RE:**

§

PARTY CITY HOLDCO INC. et al.

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CASE NO. 23-90005**Debtors**

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.

IF YOU OBJECT TO THE LIFT REQUESTED, YOU MUST RESPOND IN WRITING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE ELECTRONICALLY AT [HTTPS://ECF.TXSB.USCOURTS.GOV/](https://ecf.txsb.uscourts.gov/) WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. IF YOU DO NOT HAVE ELECTRONIC FILING PRIVILEGES, YOU MUST FILE A WRITTEN OBJECTION THAT IS ACTUALLY RECEIVED BY THE CLERK WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

A HEARING WILL BE CONDUCTED ON THIS MATTER ON APRIL_, 2023, AT 11:00 A.M. IN COURTROOM 400, FOURTH FLOOR, 515 RUSK, HOUSTON, TEXAS 77002. YOU MAY PARTICIPATE IN THE HEARING EITHER IN PERSON OR BY AN AUDIO AND VIDEO CONNECTION. AUDIO COMMUNICATION WILL BE BY USE OF THE COURT'S DIAL-IN FACILITY. YOU MAY ACCESS THE FACILITY AT 832-917-1510. ONCE CONNECTED, YOU WILL BE ASKED TO ENTER THE CONFERENCE ROOM NUMBER. JUDGE JONES' CONFERENCE ROOM NUMBER IS 205691. VIDEO COMMUNICATION WILL BE BY USE OF THE GOTOMEETING PLATFORM. CONNECT VIA THE FREE GOTOMEETING APPLICATION OR CLICK THE LINK ON JUDGE JONES' HOME PAGE. THE MEETING CODE IS "JUDGE JONES". CLICK THE SETTINGS ICON IN THE UPPER RIGHT CORNER AND ENTER YOUR NAME UNDER THE PERSONAL INFORMATION SETTING.

HEARING APPEARANCES MUST BE MADE ELECTRONICALLY IN ADVANCE OF BOTH ELECTRONIC AND IN-PERSON HEARINGS. TO MAKE YOUR APPEARANCE, CLICK THE "ELECTRONIC APPEARANCE" LINK ON JUDGE JONES' HOME PAGE. SELECT THE CASE NAME, COMPLETE THE REQUIRED FIELDS AND CLICK "SUBMIT" TO COMPLETE YOUR APPEARANCE.

COMES NOW, KAREN DIEFFENBACH (the "MOVANT"), by and through its undersigned counsel, and hereby submits this Motion for Relief from the Automatic Stay (the "Motion") for entry of an order, substantially in the form attached hereto as **Exhibit A**, pursuant to 11 U.S.C. §§ 105(a) and 362, Rule 4001 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Rule 4001-1 of the Bankruptcy Local Rules of the United States Bankruptcy Court for the Southern District of Texas (the "Bankruptcy Local Rules, granting relief from the automatic stay to allow Movant to proceed with a personal injury claim against the Debtor, PARTY CITY HOLDCO INC. (the "Debtor"). In support of this Motion, DIEFFENBACH respectfully submits the following:

1. On or about **10/17/2022**, the Movant and Debtor were involved in a collision that led to personal injuries and other damages.
2. On or about **1/17/2023**, the Debtor filed for Chapter 11 bankruptcy relief in the instant matter, and the automatic stay was immediately imposed.
3. The Movant was injured because of the Debtor's negligence and suffered personal injuries and other damages. and the insurance company has agreed to provide coverage for the Movant's damages.
4. The automatic stay imposed by the bankruptcy court has prevented the Movant from pursuing the personal injury claim against the Debtor.
5. The Movant seeks relief from the automatic stay to allow Movant to proceed with their personal injury claim and seek the compensation Movant is entitled to under the law.
6. The lifting of the automatic stay will not interfere with the Debtor's ability to reorganize or rehabilitate.

WHEREFORE, the Movant respectfully requests that this Honorable Court lift the automatic stay to allow the Movant to proceed with their personal injury claim against the Debtor.

Respectfully Submitted,

/s/ Karen Diefenbach

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2023, a true and correct copy of the foregoing pleading was served to all parties on the attached Master Service List either via the Court's ECF notification system or as indicated thereon.

/s/ Karen Diefenbach